

3731

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Johann F. Hellenkamp
Serial No.: 10/062,178
Filing Date: January 31, 2002
For: AUTOMATIC SURGICAL DEVICE AND CONTROL ASSEMBLY FOR
CUTTING A CORNEA

Group Art Unit 3731

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
August 6, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
AUG 18 2003
TECHNOLOGY CENTER #10

Dear Sir:

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with Applicant's duty of disclosure, the documents listed below are provided for consideration by the U.S. Patent and Trademark Office in connection with the above-captioned application. The majority of these documents relate to litigation in the matter of Bausch & Lomb Surgical, Inc. v. Oasis Medical, Inc., the docket sheet having been previously provided [U.S. District Court for the Central District of California, Civil Docket for Case No.: 00-CV-11298, Bausch & Lomb Inc. v. Oasis Medical Inc., 2003]. In addition, documents related to litigation in the matter of Bausch & Lomb Surgical, Inc. vs. Visionar, Inc. and Med-Logic, Inc., U.S. District Court for the Central District of California, Case No. SACV 00-412 DOC (ANX), are provided herein. Finally, a variation of a foreign patent document which was

previously provided, and several versions of a brochure which was not previously available are also provided herein.

Each document provided herein is also listed on the attached form PTO-1449 (Modified) which includes a cross reference to the file name of each document on the Data CDs, which are also enclosed. The Data CDs include an electronic copy of each document listed below and on form PTO-1449 (Modified) in portable document format (PDF), to facilitate the Examiner's review. As discussed with the Examiner regarding submittal of the initial Information Disclosure Statement in connection with the above-captioned application, a hard copy of each document listed below will be provided upon request.

Other Documents Related to Litigation
Bausch & Lomb Surgical, Inc. v. Oasis Medical, Inc.

Notice of Interested Parties Pursuant to Rule 4.6;
Summons; Complaint for Patent;

Defendant Oasis Medical, Inc.'s Notice of Motion and Motion for Sanctions, Including Determine Sanctions Pursuant to Fed. R. Civ. Pro. Rule 11; Memorandum of Points and Authorities in Support Thereof; Declaration of Surjit P. Soni; and Exhibits A - I;

Defendant's Statement of Uncontroverted Material Facts and Conclusions of Law in Support of Motion for Summary Judgment;

Defendant's Notice of Motion and Motion for Summary Judgment; Memorandum of Points and Authorities in Support Thereof; Declaration of Surjit P. Soni; and Exhibits;

Defendant's Notice of Withdrawal of Motion for Summary Judgment;

Stipulation Continuing Time to Respond to the Complaint to December 15th, 2000; and Order Thereon;

Bausch & Lomb Surgical, Inc.'s Interrogatories to Defendant;

B&L's Requests for Production of Documents and Things to Defendant;

B&L's Request for Admissions to Defendant;

Defendant's Notice of Motion and Motion for Summary Judgment; Memorandum of Points and Authorities in Support Thereof; Declaration of Surjit P. Soni; and Exhibits;

Defendant's Statement of Uncontroverted Material Facts and Conclusions of Law in Support of Motion for Summary Judgment;

B&L's Statement of Genuine Issues in Response to the Statement of Uncontroverted Facts and Conclusions of Law in Opposition to Defendant's Motion for Summary Judgment of Non-Infringement;

B&L's Written Evidentiary Objections to the Declaration of Surjit P. Soni and Exhibits Attached Thereto in Opposition to Defendant's Motion for Summary Judgment of Non-Infringement;

B&L's Memorandum of Points and Authorities in Opposition to Defendant's Motion for Summary Judgment of Non-Infringement;

B&L's Memorandum of Points and Authorities in Opposition to Defendant's Motion for Sanctions;

Declaration of Lester L. Hewitt and Accompanying Exhibits in Support of B&L's Opposition to Defendant's Motion for Sanctions;

Declarations of Stephen J. Hilmes, John J. Weidenbenner, John E. Akin and Gregory M. Hasley in Opposition to Defendant's Motion for Summary Judgment of Non-Infringement;

Declaration Exhibits in Support of B&L's Opposition to Defendant's Motion for Summary Judgment of Non-Infringement;

Defendant's Objections to the Declarations of Stephen J. Hilmes, John J. Weidenbenner, John E. Akin, Gregory M. Hasley and Lester L. Hewitt Filed in Opposition to Defendant's Motion for Summary Judgment;

Defendant's Reply in Support of Its Motion for Summary Judgment;

Defendant's Reply Brief in Support of Motion for Sanctions, Including to Determine Sanctions Pursuant to Fed. R. Civ. Pro. Rule 11;

Defendant's Objections to the Declaration of Lester L. Hewitt Filed in Opposition to Defendant's Motion for Sanctions;

Defendant's Reply to B&L's Written Evidentiary Objections to the Declaration of Surjit P. Soni and the Exhibits Attached Thereto;

Defendant's Answer and Affirmative Defenses to Complaint of B&L, and Counterclaims;

Notice of Interested Parties;

Defendant's Responses to B&L's Interrogatories; Set No.: One;

Defendant's Responses to B&L's Requests for Production of Documents and Things;

Defendant's Responses to B&L's Requests for Admissions;

Defendant's Notice of Motion and Second Motion for Summary Judgment; Memorandum of Points and Authorities in Support Thereof; Declaration of Surjit P. Soni and Norman Delgado; and Exhibits;

Defendant's Statement of Uncontroverted Material Facts and Conclusions of Law in Support of Motion for Summary Judgment;

B&L's Reply to Crossclaims of Defendant and Counter-Claimant Oasis Medical, Inc.;

B&L's Initial Disclosures Under Local Rule 6.2 and F.R.C.P. 26(a)(1);

Defendant's Rule 6 Disclosures;

Stipulation and [Proposed] Order Resetting Hearing Date on Defendant and Counter-Claimant's "Second" Motion for Summary Judgment;

Order Resetting Hearing Date on Defendant and Counter-Claimant's "Second" Motion for Summary Judgment;

Verification for Defendant's Responses to B&L's Interrogatories, Set No.: One;

B&L's Memorandum of Points and Authorities in Opposition to Defendant's Second Motion for Summary Judgment of Non-Infringement;

B&L's Statement of Genuine Issues of Material Fact in Opposition to Defendant's Second Motion for Summary Judgment;

Written Evidentiary Objections to the Declaration of Surjit P. Soni and Norman Delgado, and Exhibits Attached Thereto In Support B&L's Opposition to Defendant's Second Motion for Summary Judgment of Non-Infringement;

Declaration in Support of B&L's Opposition to Defendant's Second Motion for Summary Judgment of Non-

Infringement;

Declaration Exhibits in Support of B&L's Opposition to Defendant's Second Motion for Summary Judgment of Non-Infringement;

Defendant's Reply in Support of Its Second Motion for Summary Judgment;

Defendant's Reply to B&L's Statement of Genuine Issues of Material Fact in Opposition to Defendant's Second Motion for Summary Judgment;

Defendant's Reply to B&L's Written Evidentiary Objections to the Declaration of Surjit P. Soni and Norman Delgado;

Defendant's Objection to the Declarations of Stephen J. Hilmes, John J. Weidenbenner, John E. Akin and Gregory M. Hasley Filed in Opposition to Defendant's Second Motion for Summary Judgment;

Defendant's First Set of Interrogatories to B&L;

Defendant's First Set of Requests for Admissions to B&L;

B&L's Reply to Defendant's Objections to Declarations of Hilmes, Weidenbenner, Akin, and Hasley Filed in Opposition to Defendant's Second Motion for Summary Judgment;

B&L's Request to File Sur-Reply to Defendant's Reply in Support of Its Second Motion for Summary Judgment;

B&L's Sur-Reply to Defendant's Reply in Support of Its Second Motion for Summary Judgment;

Order Granting B&L Leave to File Sur-Reply to Defendant's Reply in Support of Its Second Motion for Summary Judgment;

Scheduling and Case Management Order;

Defendant's First Set of Requests for Production of Documents to B&L;

Joint Submission re: Construction of Claim 54 in Connection with Defendant's Motion for Summary Judgment Filed Pursuant to Court Order of February 12th, 2001;

B&L's Response to Requests for Admissions 1-28;

B&L's Answers and Objections to Interrogatories 1-19;

B&L's Responses to First Set of Requests for Production of Documents;

Joint Stipulation Requesting Status Conference and Order Thereon;

Protective Order;

B&L's First Supplemental Answers to Interrogatories 7 and 16;

Verification for B&L's Confidential First Supplemental Answer to Interrogatory 1; Verification for B&L's Confidential First Supplemental Answers to Interrogatories 7 and 16;

Supplemental Information Lodged in Response to Court Request;

Memorandum of Decision and Preliminary Claim Construction;

Memorandum of Decision;

Joint Submission Relating to Proposed Pre-trial Order for Claim Construction Hearing;

B&L's Amended Responses to Requests for Admissions 3-10, 15, 18, and 20;

B&L's Amended Responses to First Set of Requests for Production of Documents, Request Nos. 5, 6, 16-19, 28-123, 136-138, 149, 151, 153, 156, 161-165, 168-171, 178, 180-182, and 189-193;

B&L's First Amended Answers to Interrogatories 2 and 17 and Second Amended Answers to Interrogatories 9-15;

Defendant's Supplemental Responses to B&L's Requests for Production of Documents and Things;

Revised Notice of Defendant's Motion to Compel Further Responses to Discovery;

Stipulation and [Proposed] Order re: Hearing Time on Defendant's Motion to Compel Further Discovery Responses or, in the Alternative, Permission to Appear Telephonically;

Supplemental Joint Submission Relating to Proposed Pre-Trial Order for Claim Construction Hearing;

B&L's Supplemental Memorandum Opposing Defendant's Motion to Compel;

Defendant's Supplemental Memorandum Regarding Defendant's Motion to Compel Further Responses to Discovery;

Joint Submission Relating to Proposed Pre-Trial Order for Claim Construction Hearing Pursuant to Court Order of October 22, 2001;

Stipulation and Order re: Hearing Time on Defendant's Motion to Compel Further Discovery Responses or, in the

Alternative, Permission to Appear Telephonically;

Civil Minutes - General (including Order re: Defendant's Motion to Compel Further Response to Discovery);

B&L's Second Amended Answer to Interrogatory 2 and Third Amended Answer to Interrogatory 12;

Notice of Ex Parte Application and Ex Parte Application of Defendant Requesting Scheduling of Markman Hearing; Declaration of Daniel Harrison Wu;

Opposition in Part by B&L to Defendant's Ex Parte Application re: Markman Hearing;

Defendant's Reply to B&L's Opposition Regarding Scheduling of Markman Hearing; Declaration of Surjit P. Soni;

Ex Parte Application to Continue Status Conference Date by B&L; Memorandum of Points and Authorities; Declarations of Jay C. Gandhi and David R. Clonts in Support Thereof;

Defendant's Reply to B&L's Opposition Regarding Scheduling of Markman Hearing; Declaration of Surjit P. Soni;

Defendant's Opposition to Ex Parte Application to Continue Status Conference Date by B&L; Declaration of Daniel Harrison Wu;

Declaration Of David R. Clonts;

Supplement/Revision to Joint Submission of Oct. 25, 2001 Relating to Proposed Pre-Trial Order for Claim Construction Hearing;

Stipulation for Claim Construction Hearing; [Proposed] Order;

Stipulation for Claim Construction Hearing; Order;

B&L's Initial Claim Construction Position re: U.S. Patent No. 6,051,009;

B&L's Second Set of Requests for Production Nos. 84 - 128 to Defendant;

Defendant's Initial Claim Construction Position re: U.S. Patent No. 6,051,009;

Defendant's Second Supplemental Responses to B&L's Interrogatories [Redacted];

Defendant's Responses to B&L's Requests for Production of Documents (Set No. Two);

Expert Report of Douglas J. Mastel Regarding Claim

Interpretation;

Expert Report of Dr. James Salz Regarding Claim Interpretation;

Stipulation That Parties Will Not Present Patent Law Experts at Markman Hearing; Order;

Stipulation for Increase of the Maximum Number of Interrogatories; Order;

Stipulation to File First Amended Complaint; Order;

First Amended Complaint for Patent Infringement;

Notice of Deposition of Johann F. Hellenkamp;

Notice of Deposition of Richard J. Sherin;

Amended Notice of Deposition of Johann F. Hellenkamp; Subpoena;

Amended Notice of Deposition of Richard J. Sherin; Subpoena;

Rebuttal to the Expert Reports of Douglas J. Mastel and Dr. James Salz;

Defendant's Answer To First Amended Complaint And Counterclaims;

Notice Of Interested Parties;

Rebuttal Report of Stephen G. Slade, M.D.;

Amended Notice of Deposition of Johann F. Hellenkamp;

Amended Notice of Deposition of Richard J. Sherin;

Stipulation Regarding Discovery; Order;

Notice of Deposition of Dr. James J. Salz;

Notice of Deposition of Douglas J. Mastel;

B&L's Supplemental Claim Construction Position re: U.S. Patent No. 6,051,009;

Notice of Deposition Of John E. Akin; Subpoena;

Notice Of Deposition Of Stephen G. Slade; Subpoena;

Stipulation Amending Protective Order;

Response and Objections of Non-Party Stephen G. Slade to Defendant's Subpoena for Production of Documents;

Response and Objections of Non-Party John E. Akin to Defendant's Subpoena for Production of Documents;

Amended Notice of Deposition Of John E. Akin;

Amended Notice of Deposition Of Stephen G. Slade;

Objections of Non-Party Douglas J. Mastel and Defendant to B&L's Subpoena for Production of Documents;

Defendant's Third Supplemental Responses to B&L's Interrogatories;

Stipulation to One Day Extension of Cutoff for Markman Depositions;

B&L's Memorandum of Points and Authorities in Support of Claim Construction;

Exhibits to B&L's Memorandum of Points and Authorities in Support of Claim Construction;

Proposed Order Granting B&L's Claim Construction;

Stipulation to the Construction of Certain "Means for Engaging" and "Means for Being Operably Driven" Terms;

Notice of Filing Under Seal Defendant's Opening Markman Brief and Second Declaration of Ben M. Davidson in Support of Defendant's Proposed Claim Construction;

First Declaration of Ben M. Davidson in Support of Defendant's Proposed Claim Construction;

Declaration of James Salz, M.D. in Support of Defendant's Proposed Claim Construction;

Declaration of Douglas J. Mastel in Support of Defendant's Proposed Claim Construction;

Stipulation to One Week Extension for Rebuttal Expert Report of Dr. Stephen G. Slade; Order;

Supplemental Listing of Cases in Which Dr. Salz has Testified as an Expert in Last Four Years;

Notice of Application and Application for Order Authorizing Filing Under Seal; [Proposed] Order Authorizing Filing Under Seal;

Exhibits to B&L's Memorandum of Points and Authorities In Support of Its Motion to Exclude Expert Testimony;

Proposed Order Granting B&L's Motion to Exclude Expert Testimony;

Stipulation and [Proposed] Order re: Markman Hearing;

Civil Minutes - General (including Order Authorizing Filing Under Seal: B&L's Notice of Motion and Motion to Exclude Expert Testimony; Memorandum of Points and Authorities; Exhibit No. 5 of B&L's Motion to Exclude

Expert Testimony);

Notice of Filing Under Seal Defendant's Memorandum of Points and Authorities, Statement of Uncontroverted Facts and Conclusions of Law, and Declaration of Andrew Eliseev in Support of Defendant's Motion for Summary Judgment of Invalidity of the Asserted Claims of the '009 Patent for Failure to Comply with the Best Mode Requirement of 35 U.S.C. §112, Paragraph One;

Notice of Motion and Motion of Defendant for Summary Judgment of Invalidity of the Asserted Claims of the '009 Patent for Failure to Comply with the Best Mode Requirement of 35 U.S.C. §112, Paragraph One; [Proposed] Order Granting Defendant's Motion for Summary Judgment of Invalidity of the Asserted Claims of the '009 Patent for Failure to Comply with the Best Mode Requirement of 35 U.S.C. §112, Paragraph One;

Defendant's Response to B&L's Opening Markman Brief;

Third Declaration of Ben M. Davidson in Support of Defendant's Response to B&L's Opening Markman Brief;

Declaration of Ben M. Davidson Supporting Defendant's Opposition to B&L's Motion to Exclude Expert Testimony;

B&L's Opposition to Defendant's Opening Markman Brief;

Declaration of David R. Clonts with Attached Exhibits in Support of B&L's Opposition to Defendant's Opening Markman Brief;

Stipulation and [Proposed] Order re: Extensions for Briefing on Defendant's Motion for Summary Judgment;

Errata re: Color Pages 22 and 23 in B&L's Opposition to Defendant's Opening Markman Brief;

[PROPOSED] Order Granting Errata re: Color Pages 22 and 23 in B&L's Opposition to Defendant's Opening Markman Brief;

B&L's Reply to Defendant's Opposition to Motion to Strike Experts;

Declaration of David R. Clonts with Attached Exhibits In Support of B&L's Reply to Defendant's Opposition to Motion to Strike Experts;

Order Granting Errata re: Color Pages 22 and 23 in B&L's Opposition to Defendant's Opening Markman Brief;

Notice of Application and Application for Order Authorizing Filing Under Seal;

Notice of Filing Under Seal B&L's Memorandum of Points and Authorities, Declaration of Gregory M. Hasley with Attached Exhibits, and Statement of Genuine Issues of

Material Fact in Opposition to Defendant's Motion for Summary Judgment on Best Mode;

Declaration of Gregory M. Hasley with Attached Exhibits in Support of B&L's Opposition to Defendant's Motion for Summary Judgment on the Best Mode Issue [Redacted];

[Proposed] Order Authorizing Filing Under Seal;

Defendant's Reply to B&L's Opposition Markman Brief;

Fourth Declaration of Ben M. Davidson in Support of Defendant's Reply to B&L's Opposition Markman Brief;

B&L's Reply to Defendant's Response to B&L's Opening Markman Brief;

Declaration of David R. Clonts with Attached Exhibits in Support of B&L's Reply to Defendant's Response to B&L's Opening Markman Brief;

Stipulation to the Construction of Certain "Means for Engaging" and "Means for Being Operably Driven" Terms;

Order Authorizing Filing Under Seal;

B&L's Markman Hearing Exhibit List;

Defendant's Demonstratives and Trial Director Slides for the Markman Hearing;

B&L's Demonstratives for the Markman Hearing;

Independent Claims of the '009 Patent at Issue;

Amended B&L's Markman Hearing Exhibit List;

Joint Proposed Agenda re: Markman Hearing;

Defendant's Markman Exhibit List;

Notice of Lodging of Deposition Transcripts of Johann Hellenkamp, James J. Salz, Douglas J. Mastel, John Edward Akin, Stephen G. Slade;

Amended B&L Markman Hearing Exhibit List;

Defendant's Markman Hearing Exhibits;

Memorandum of Decision re: Claim Construction;

Memorandum of Decision re: Defendant's Motion for Summary Judgment of Invalidity of the Asserted Claims of the '009 Patent for Failure to Comply with the Best Mode Requirement of 35 U.S.C. §112, Paragraph One;

Stipulation for Case Management Schedule; [Proposed] Order;

Stipulation for Case Management Schedule; Order;
Notice of Videotaped Deposition of Robert Austring;
Notice of Videotaped Deposition of Michael J. Ram;
Notice of Videotaped Deposition of William Hagel;
Subpoena for Documents to Michael J. Ram;
Defendant's Fourth Supplemental Responses to B&L's Interrogatories;
B&L's Cumulative Amended Answers and Objections to Interrogatories 1-19;
B&L's Second Amended Responses to First Set of Requests for Production of Documents;
Objections of Non-Party Michael J. Ram and Defendant to B&L's Subpoena for Production of Documents;
Notice of Taking Videotaped Deposition of Eric Weinberg and Request for Production of Documents; Subpoena;
Stipulation to File First Amended Answer to First Amended Complaint and Counterclaims; [Proposed] Order; Defendant's First Amended Answer to First Amended Complaint and Counterclaims;
Notice of Taking Videotaped Deposition of Eric Weinberg and Request for Production of Documents; Subpoena;
Defendant's Second Set of Requests for Documents and Things to B&L (Nos. 197-200);
Defendant's Fifth Supplemental Responses to B&L's Interrogatories (No. 8);
Notice of Taking Videotaped Deposition of Johann F. Hellenkamp and Request for Production of Documents; Subpoena;
Notice of Subpoena Duces Tecum to Micra USA, Inc.; Subpoena;
Notice of Subpoena Duces Tecum to Moria S.A.; Subpoena;
Notice of Videotaped Deposition of Michael J. Ram; Subpoena;
Notice of Videotaped Deposition of Yvonne Fernandez;
Notice of Videotaped Deposition of Felix Jaory;
Notice of Videotaped Deposition of Brett Nelson;
Notice of Videotaped Deposition of Norman Delgado;

Notice of Videotaped Deposition of Mark Anderson;
Notice of 30(b)(6) Deposition of Oasis Medical, Inc.;
Notice of Taking Videotaped Deposition of John J. Weidenbenner; Subpoena;
Notice of Taking Videotaped Deposition of Stephen J. Hilmes; Subpoena;
Corrected Subpoena to John J. Weidenbenner;
B&L's Objections to Notice of Deposition and Subpoena of Hans Hellenkamp;
Response and Objections of Non-Party Hans Hellenkamp to Defendant's Subpoena for Deposition and Production of Documents;
B&L's Third Set of Requests for Production to Defendant;
Response and Objections of Non-Party Eric Weinberg to Defendant's Subpoena for Production of Documents;
Amended Notice of Videotaped Deposition of Brett Nelson;
Amended Notice of Videotaped Deposition of Michael J. Ram;
Notice of Subpoena Duces Tecum to Micra USA, Inc.;
B&L's Second Set of Requests for Admissions to Defendant;
B&L's Second Set of Interrogatories to Defendant; and
B&L's Fourth Set of Requests for Production to Defendant.

Foreign Patent Documents

European Patent Appl. No. 0 442 156 B1 to Ruiz et al.

Other Documents

1. Complaint for Patent and Trademark Infringement;
Summons; Bausch & Lomb Surgical, Inc. vs. Visionar, Inc.
and Med-Logic, Inc., U.S. District Court for the Central
District of California, Case No. SACV 00-412 DOC (ANX);

2. Dismissal Under FRCP Rule 41(a)(1); Bausch & Lomb Surgical, Inc. vs. Visionar, Inc. and Med-Logic, Inc., U.S. District Court for the Central District of California, Case No. SACV 00-412 DOC (ANX);
3. MORIA, "Carriazo Barraquer Lamellar System for Keratoplasty" Brochure, V1;
4. MORIA, "Carriazo Barraquer Lamellar System for Keratoplasty" Brochure, V2;
5. MORIA, "Carriazo-Barraquer LSK" Brochure, 1998, V1;
and
6. MORIA, "Carriazo-Barraquer LSK" Brochure, 1998, V2.

The Applicant notes that the majority of the documents cited above result from ongoing litigation in the above-referenced matter of Bausch & Lomb Surgical, Inc. v. Oasis Medical, Inc., and, in an abundance of caution, they are provided herein for the Examiner's consideration. As this litigation is on-going, certain documents provided herein have been redacted so as to prevent disclosure of confidential information in violation of the Protective Order governing in this case. Similarly, certain other documents containing confidential information have not been provided herein, once again, to prevent violation of the Protective Order which is in effect.

Further, the Applicant submits these documents to facilitate the Examiner's evaluation of the issues presented as a result of litigation of this matter, as well as the Examiner's evaluation of the need for further materials related to this matter, which the Applicant will promptly provide upon request.

The Examiner is respectfully requested to return a copy of an initialled PTO-1449 (Modified) evidencing consideration of this information with the next Office Action.

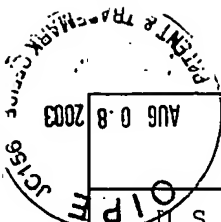
Respectfully submitted,

MALLOY & MALLOY, P.A.
Attorneys for Applicant
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
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By: 

Jennie S. Malloy
Reg. No. 37,670
Peter A. Matos
Reg. No. 37,884

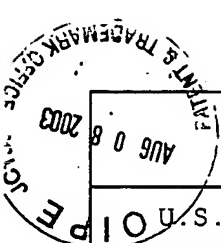
Dated: 8/6/03



PTO-1449 (Modified)	ATTORNEY DOCKET NO. 1.096.01	SERIAL NUMBER 10/062,178
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	APPLICANT Johann F. Hellenkamp	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE January 31, 2002	GROUP ART UNIT 371 RECEIVED AUG 18 2003

OTHER DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.
TECHNOLOGY CENTER R3700

Examiner's Initials	Document	Data CD Reference Number
	Notice of Interested Parties Pursuant to Rule 4.6; Summons; Complaint for Patent	BLOM001
	Defendant Oasis Medical, Inc.'s Notice of Motion and Motion for Sanctions, Including Determine Sanctions Pursuant to Fed. R. Civ. Pro. Rule 11; Memorandum of Points and Authorities in Support Thereof; Declaration of Surjit P. Soni; and Exhibits A - I	BLOM002
	Defendant's Statement of Uncontroverted Material Facts and Conclusions of Law in Support of Motion for Summary Judgment	BLOM003
	Defendant's Notice of Motion and Motion for Summary Judgment; Memorandum of Points and Authorities in Support Thereof; Declaration of Surjit P. Soni; and Exhibits	BLOM004
	Defendant's Notice of Withdrawal of Motion for Summary Judgment	BLOM005
	Stipulation Continuing Time to Respond to the Complaint to December 15 th , 2000; and Order Thereon	BLOM006
	Bausch & Lomb Surgical, Inc.'s Interrogatories to Defendant	BLOM007
	B&L's Requests for Production of Documents and Things to Defendant	BLOM008
	B&L's Request for Admissions to Defendant	BLOM009
	Defendant's Notice of Motion and Motion for Summary Judgment; Memorandum of Points and Authorities in Support Thereof; Declaration of Surjit P. Soni; and Exhibits	BLOM010
	Defendant's Statement of Uncontroverted Material Facts and Conclusions of Law in Support of Motion for Summary Judgment	BLOM011
	B&L's Statement of Genuine Issues in Response to the Statement of Uncontroverted Facts and Conclusions of Law in Opposition to Defendant's Motion for Summary Judgment of Non-Infringement	BLOM012



PTO-1449 (Modified)	ATTORNEY DOCKET NO. 1.096.01	SERIAL NUMBER 10/062,178
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	APPLICANT Johann F. Hellenkamp	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE January 31, 2002	GROUP ART UNIT 3731 RECEIVED

OTHER DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.

AUG 18 2003
TECHNOLOGY CENTER

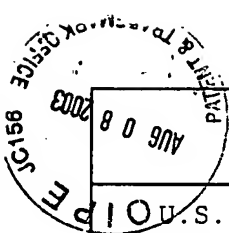
Examiner's Initials	Document	Data CD Reference Number
	B&L's Written Evidentiary Objections to the Declaration of Surjit P. Soni and Exhibits Attached Thereto in Opposition to Defendant's Motion for Summary Judgment of Non-Infringement	BLOM013
	B&L's Memorandum of Points and Authorities in Opposition to Defendant's Motion for Summary Judgment of Non-Infringement	BLOM014
	B&L's Memorandum of Points and Authorities in Opposition to Defendant's Motion for Sanctions	BLOM015
	Declaration of Lester L. Hewitt and Accompanying Exhibits in Support of B&L's Opposition to Defendant's Motion for Sanctions	BLOM016
	Declarations of Stephen J. Hilmes, John J. Weidenbenner, John E. Akin and Gregory M. Hasley in Opposition to Defendant's Motion for Summary Judgment of Non-Infringement	BLOM017
	Declaration Exhibits in Support of B&L's Opposition to Defendant's Motion for Summary Judgment of Non-Infringement	BLOM018
	Defendant's Objections to the Declarations of Stephen J. Hilmes, John J. Weidenbenner, John E. Akin, Gregory M. Hasley and Lester L. Hewitt Filed in Opposition to Defendant's Motion for Summary Judgment	BLOM019
	Defendant's Reply in Support of Its Motion for Summary Judgment	BLOM020
	Defendant's Reply Brief in Support of Motion for Sanctions, Including to Determine Sanctions Pursuant to Fed. R. Civ. Pro. Rule 11	BLOM021
	Defendant's Objections to the Declaration of Lester L. Hewitt Filed in Opposition to Defendant's Motion for Sanctions	BLOM022
	Defendant's Reply to B&L's Written Evidentiary Objections to the Declaration of Surjit P. Soni and the Exhibits Attached Thereto	BLOM023

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PTO-1449 (Modified)	ATTORNEY DOCKET NO. 1.096.01	SERIAL NUMBER 10/062,178
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	APPLICANT Johann F. Hellenkamp	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE January 31, 2002	GROUP ART UNIT REC 5731

OTHER DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.

Examiner's Initials	Document	Data CD Reference Number
	Defendant's Answer and Affirmative Defenses to Complaint of B&L, and Counterclaims	BLOM024
	Notice of Interested Parties	BLOM025
	Defendant's Responses to B&L's Interrogatories; Set No.: One	BLOM026
	Defendant's Responses to B&L's Requests for Production of Documents and Things	BLOM027
	Defendant's Responses to B&L's Requests for Admissions	BLOM028
	Defendant's Notice of Motion and Second Motion for Summary Judgment; Memorandum of Points and Authorities in Support Thereof; Declaration of Surjit P. Soni and Norman Delgado; and Exhibits	BLOM029
	Defendant's Statement of Uncontroverted Material Facts and Conclusions of Law in Support of Motion for Summary Judgment	BLOM030
	B&L's Reply to Crossclaims of Defendant and Counter-Claimant Oasis Medical, Inc.	BLOM031
	B&L's Initial Disclosures Under Local Rule 6.2 and F.R.C.P. 26(a)(1)	BLOM032
	Defendant's Rule 6 Disclosures	BLOM033
	Stipulation and [Proposed] Order Resetting Hearing Date on Defendant and Counter-Claimant's "Second" Motion for Summary Judgment	BLOM034
	Order Resetting Hearing Date on Defendant and Counter-Claimant's "Second" Motion for Summary Judgment	BLOM035
	Verification for Defendant's Responses to B&L's Interrogatories, Set No.: One	BLOM036
	B&L's Memorandum of Points and Authorities in Opposition to Defendant's Second Motion for Summary Judgment of Non-Infringement	BLOM037
	B&L's Statement of Genuine Issues of Material Fact in Opposition to Defendant's Second Motion for Summary Judgment	BLOM038



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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	APPLICANT Johann F. Hellenkamp	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE January 31, 2002	GROUP ART UNIT 3731

OTHER DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.

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Examiner's Initials	Document	Data CD Reference Number
	Written Evidentiary Objections to the Declaration of Surjit P. Soni and Norman Delgado, and Exhibits Attached Thereto In Support B&L's Opposition to Defendant's Second Motion for Summary Judgment of Non-Infringement	BLOM039
	Declaration in Support of B&L's Opposition to Defendant's Second Motion for Summary Judgment of Non-Infringement	BLOM040
	Declaration Exhibits in Support of B&L's Opposition to Defendant's Second Motion for Summary Judgment of Non-Infringement	BLOM041
	Defendant's Reply in Support of Its Second Motion for Summary Judgment	BLOM042
	Defendant's Reply to B&L's Statement of Genuine Issues of Material Fact in Opposition to Defendant's Second Motion for Summary Judgment	BLOM043
	Defendant's Reply to B&L's Written Evidentiary Objections to the Declaration of Surjit P. Soni and Norman Delgado	BLOM044
	Defendant's Objection to the Declarations of Stephen J. Hilmes, John J. Weidenbenner, John E. Akin and Gregory M. Hasley Filed in Opposition to Defendant's Second Motion for Summary Judgment	BLOM045
	Defendant's First Set of Interrogatories to B&L	BLOM046
	Defendant's First Set of Requests for Admissions to B&L	BLOM047
	B&L's Reply to Defendant's Objections to Declarations of Hilmes, Weidenbenner, Akin, and Hasley Filed in Opposition to Defendant's Second Motion for Summary Judgment	BLOM048
	B&L's Request to File Sur-Reply to Defendant's Reply in Support of Its Second Motion for Summary Judgment	BLOM049
	B&L's Sur-Reply to Defendant's Reply in Support of Its Second Motion for Summary Judgment	BLOM050
	Order Granting B&L Leave to File Sur-Reply to Defendant's Reply in Support of Its Second Motion for Summary Judgment	BLOM051

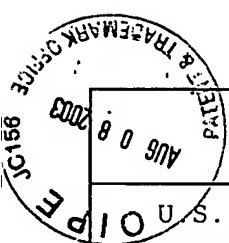
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	Scheduling and Case Management Order	BLOM052
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	B&L's Response to Requests for Admissions 1-28	BLOM055
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	Joint Stipulation Requesting Status Conference and Order Thereon	BLOM058
	Protective Order	BLOM059
	B&L's First Supplemental Answers to Interrogatories 7 and 16	BLOM060
	Verification for B&L's Confidential First Supplemental Answer to Interrogatory 1; Verification for B&L's Confidential First Supplemental Answers to Interrogatories 7 and 16	BLOM061
	Supplemental Information Lodged in Response to Court Request	BLOM062
	Memorandum of Decision and Preliminary Claim Construction	BLOM063
	Memorandum of Decision	BLOM064
	Joint Submission Relating to Proposed Pre-trial Order for Claim Construction Hearing	BLOM065
	B&L's Amended Responses to Requests for Admissions 3-10, 15, 18, and 20	BLOM066
	B&L's Amended Responses to First Set of Requests for Production of Documents, Request Nos. 5, 6, 16-19, 28-123, 136-138, 149, 151, 153, 156, 161-165, 168-171, 178, 180-182, and 189-193	BLOM067
	B&L's First Amended Answers to Interrogatories 2 and 17 and Second Amended Answers to Interrogatories 9-15	BLOM068



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	Defendant's Supplemental Responses to B&L's Requests for Production of Documents and Things	BLOM069
	Revised Notice of Defendant's Motion to Compel Further Responses to Discovery	BLOM070
	Stipulation and [Proposed] Order re: Hearing Time on Defendant's Motion to Compel Further Discovery Responses or, in the Alternative, Permission to Appear Telephonically	BLOM071
	Supplemental Joint Submission Relating to Proposed Pre-Trial Order for Claim Construction Hearing	BLOM072
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	Defendant's Supplemental Memorandum Regarding Defendant's Motion to Compel Further Responses to Discovery	BLOM074
	Joint Submission Relating to Proposed Pre-Trial Order for Claim Construction Hearing Pursuant to Court Order of October 22, 2001	BLOM075
	Stipulation and Order re: Hearing Time on Defendant's Motion to Compel Further Discovery Responses or, in the Alternative, Permission to Appear Telephonically	BLOM076
	Civil Minutes - General (including Order re: Defendant's Motion to Compel Further Response to Discovery)	BLOM077
	B&L's Second Amended Answer to Interrogatory 2 and Third Amended Answer to Interrogatory 12	BLOM078
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	Opposition in Part by B&L to Defendant's Ex Parte Application re: Markman Hearing	BLOM080
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OTHER DOCUMENTS RELATED TO LITIGATION
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Examiner's Initials	Document	Data CD Reference Number
	Ex Parte Application to Continue Status Conference Date by B&L; Memorandum of Points and Authorities; Declarations of Jay C. Gandhi and David R. Clonts in Support Thereof	BLOM082
	Defendant's Reply to B&L's Opposition Regarding Scheduling of Markman Hearing; Declaration of Surjit P. Soni	BLOM083
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	B&L's Initial Claim Construction Position re: U.S. Patent No. 6,051,009	BLOM089
	B&L's Second Set of Requests for Production Nos. 84 - 128 to Defendant	BLOM090
	Defendant's Initial Claim Construction Position re: U.S. Patent No. 6,051,009	BLOM091
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	Expert Report of Dr. James Salz Regarding Claim Interpretation	BLOM095
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	Stipulation for Increase of the Maximum Number of Interrogatories; Order	BLOM097

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AUG 08 2003 PTO-1449 (Modified)	ATTORNEY DOCKET NO. 1.096.01	SERIAL NUMBER 10/062,178
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	APPLICANT Johann F. Hellenkamp	
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BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.

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	Stipulation to File First Amended Complaint; Order	BLOM098
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	Notice of Deposition of Johann F. Hellenkamp	BLOM100
	Notice of Deposition of Richard J. Sherin	BLOM101
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	Amended Notice of Deposition of Richard J. Sherin; Subpoena	BLOM103
	Rebuttal to the Expert Reports of Douglas J. Mastel and Dr. James Salz	BLOM104
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	Amended Notice of Deposition of Johann F. Hellenkamp	BLOM108
	Amended Notice of Deposition of Richard J. Sherin	BLOM109
	Stipulation Regarding Discovery; Order	BLOM110
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	B&L's Supplemental Claim Construction Position re: U.S. Patent No. 6,051,009	BLOM113
	Notice of Deposition Of John E. Akin; Subpoena	BLOM114
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	Defendant's Third Supplemental Responses to B&L's Interrogatories	BLOM122

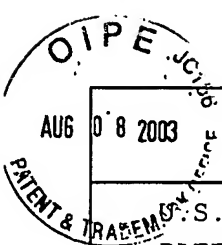
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BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.

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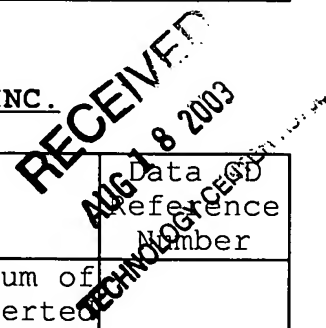
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	Stipulation to One Day Extension of Cutoff for Markman Depositions	BLOM123
	B&L's Memorandum of Points and Authorities in Support of Claim Construction	BLOM124
	Exhibits to B&L's Memorandum of Points and Authorities in Support of Claim Construction	BLOM125
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	Stipulation to One Week Extension for Rebuttal Expert Report of Dr. Stephen G. Slade; Order	BLOM132
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BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.

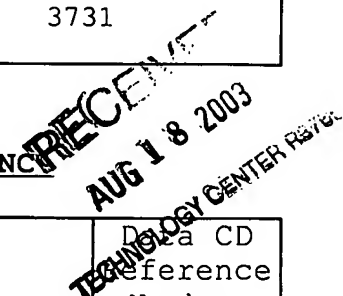
Examiner's Initials	Document	Data CD Reference Number
	Notice of Filing Under Seal Defendant's Memorandum of Points and Authorities, Statement of Uncontroverted Facts and Conclusions of Law, and Declaration of Andrew Eliseev in Support of Defendant's Motion for Summary Judgment of Invalidity of the Asserted Claims of the '009 Patent for Failure to Comply with the Best Mode Requirement of 35 U.S.C. § 112, Paragraph One	BLOM139
	Notice of Motion and Motion of Defendant for Summary Judgment of Invalidity of the Asserted Claims of the '009 Patent for Failure to Comply with the Best Mode Requirement of 35 U.S.C. § 112, Paragraph One; [Proposed] Order Granting Defendant's Motion for Summary Judgment of Invalidity of the Asserted Claims of the '009 Patent for Failure to Comply with the Best Mode Requirement of 35 U.S.C. § 112, Paragraph One	BLOM140
	Defendant's Response to B&L's Opening Markman Brief	BLOM141
	Third Declaration of Ben M. Davidson in Support of Defendant's Response to B&L's Opening Markman Brief	BLOM142
	Declaration of Ben M. Davidson Supporting Defendant's Opposition to B&L's Motion to Exclude Expert Testimony	BLOM143
	B&L's Opposition to Defendant's Opening Markman Brief	BLOM144
	Declaration of David R. Clonts with Attached Exhibits in Support of B&L's Opposition to Defendant's Opening Markman Brief	BLOM145
	Stipulation and [Proposed] Order re: Extensions for Briefing on Defendant's Motion for Summary Judgment	BLOM146
	Errata re: Color Pages 22 and 23 in B&L's Opposition to Defendant's Opening Markman Brief	BLOM147
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	Declaration of David R. Clonts with Attached Exhibits In Support of B&L's Reply to Defendant's Opposition to Motion to Strike Experts	BLOM150




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OTHER DOCUMENTS RELATED TO LITIGATION
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	Order Granting Errata re: Color Pages 22 and 23 in B&L's Opposition to Defendant's Opening Markman Brief	BLOM151
	Notice of Application and Application for Order Authorizing Filing Under Seal	BLOM152
	Notice of Filing Under Seal B&L's Memorandum of Points and Authorities, Declaration of Gregory M. Hasley with Attached Exhibits, and Statement of Genuine Issues of Material Fact in Opposition to Defendant's Motion for Summary Judgment on Best Mode	BLOM153
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	[Proposed] Order Authorizing Filing Under Seal	BLOM155
	Defendant's Reply to B&L's Opposition Markman Brief	BLOM156
	Fourth Declaration of Ben M. Davidson in Support of Defendant's Reply to B&L's Opposition Markman Brief	BLOM157
	B&L's Reply to Defendant's Response to B&L's Opening Markman Brief	BLOM158
	Declaration of David R. Clonts with Attached Exhibits in Support of B&L's Reply to Defendant's Response to B&L's Opening Markman Brief	BLOM159
	Stipulation to the Construction of Certain "Means for Engaging" and "Means for Being Operably Driven" Terms	BLOM160
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	B&L's Markman Hearing Exhibit List	BLOM162
	Defendant's Demonstratives and Trial Director Slides for the Markman Hearing	BLOM163
	B&L's Demonstratives for the Markman Hearing	BLOM164
	Independent Claims of the '009 Patent at Issue	BLOM165
	Amended B&L's Markman Hearing Exhibit List	BLOM166
	Joint Proposed Agenda re: Markman Hearing	BLOM167
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	Notice of Lodging of Deposition Transcripts of Johann Hellenkamp, James J. Salz, Douglas J. Mastel, John Edward Akin, Stephen G. Slade	BLOM169

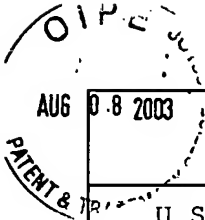
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	Amended B&L Markman Hearing Exhibit List	BLOM170
	Defendant's Markman Hearing Exhibits	BLOM171
	Memorandum of Decision re: Claim Construction	BLOM172
	Memorandum of Decision re: Defendant's Motion for Summary Judgment of Invalidity of the Asserted Claims of the '009 Patent for Failure to Comply with the Best Mode Requirement of 35 U.S.C. § 112, Paragraph One	BLOM173
	Stipulation for Case Management Schedule; [Proposed] Order	BLOM174
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	Notice of Videotaped Deposition of Robert Austring	BLOM176
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	Notice of Videotaped Deposition of William Hagel	BLOM178
	Subpoena for Documents to Michael J. Ram	BLOM179
	Defendant's Fourth Supplemental Responses to B&L's Interrogatories	BLOM180
	B&L's Cumulative Amended Answers and Objections to Interrogatories 1-19	BLOM181
	B&L's Second Amended Responses to First Set of Requests for Production of Documents	BLOM182
	Objections of Non-Party Michael J. Ram and Defendant to B&L's Subpoena for Production of Documents	BLOM183
	Notice of Taking Videotaped Deposition of Eric Weinberg and Request for Production of Documents; Subpoena	BLOM184
	Stipulation to File First Amended Answer to First Amended Complaint and Counterclaims; [Proposed] Order; Defendant's First Amended Answer to First Amended Complaint and Counterclaims	BLOM185
	Notice of Taking Videotaped Deposition of Eric Weinberg and Request for Production of Documents; Subpoena	BLOM186
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Examiner's Initials	Document	Data CD Reference Number
	Defendant's Fifth Supplemental Responses to B&L's Interrogatories (No. 8)	BLOM188
	Notice of Taking Videotaped Deposition of Johann F. Hellenkamp and Request for Production of Documents; Subpoena	BLOM189
	Notice of Subpoena Duces Tecum to Micra USA, Inc.; Subpoena	BLOM190
	Notice of Subpoena Duces Tecum to Moria S.A.; Subpoena	BLOM191
	Notice of Videotaped Deposition of Michael J. Ram; Subpoena	BLOM192
	Notice of Videotaped Deposition of Yvonne Fernandez	BLOM193
	Notice of Videotaped Deposition of Felix Jaory	BLOM194
	Notice of Videotaped Deposition of Brett Nelson	BLOM195
	Notice of Videotaped Deposition of Norman Delgado	BLOM196
	Notice of Videotaped Deposition of Mark Anderson	BLOM197
	Notice of 30(b)(6) Deposition of Oasis Medical, Inc.	BLOM198
	Notice of Taking Videotaped Deposition of John J. Weidenbenner; Subpoena	BLOM199
	Notice of Taking Videotaped Deposition of Stephen J. Hilmes; Subpoena	BLOM200
	Corrected Subpoena to John J. Weidenbenner	BLOM201
	B&L's Objections to Notice of Deposition and Subpoena of Hans Hellenkamp	BLOM202
	Response and Objections of Non-Party Hans Hellenkamp to Defendant's Subpoena for Deposition and Production of Documents	BLOM203
	B&L's Third Set of Requests for Production to Defendant	BLOM204
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	Amended Notice of Videotaped Deposition of Brett Nelson	BLOM206
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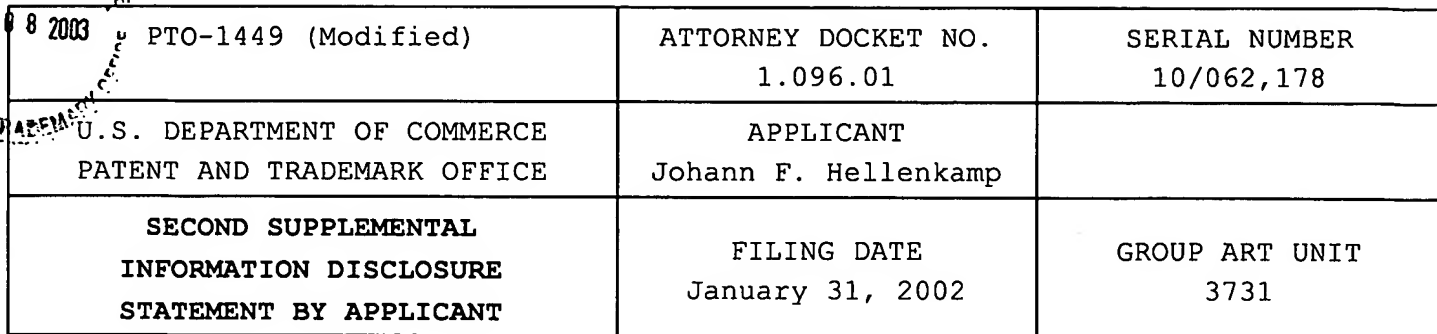
Examiner's Initials	Document	Data CD Reference Number
	B&L's Second Set of Requests for Admissions to Defendant	BLOM209
	B&L's Second Set of Interrogatories to Defendant	BLOM210
	B&L's Fourth Set of Requests for Production to Defendant	BLOM211

FOREIGN PATENTS

Examiner's Initials	Document Number	Year	Issuing Authority	Data CD Reference Number
	0 442 156 B1	1991	EPO	BLOM212

OTHER DOCUMENTS

Examiner's Initials	Document	Data CD Reference Number
	Complaint for Patent and Trademark Infringement; Summons; <u>Bausch & Lomb Surgical, Inc. vs. Visionar, Inc. and Med-Logic, Inc.</u> , U.S. District Court for the Central District of California, Case No. SACV 00-412 DOC (ANX)	BLOM213
	Dismissal Under FRCP Rule 41(a)(1); <u>Bausch & Lomb Surgical, Inc. vs. Visionar, Inc. and Med-Logic, Inc.</u> , U.S. District Court for the Central District of California, Case No. SACV 00-412 DOC (ANX)	BLOM214
	MORIA, "Carriazo Barraquer Lamellar System for Keratoplasty" Brochure, V1	BLOM215
	MORIA, "Carriazo Barraquer Lamellar System for Keratoplasty" Brochure, V2	BLOM216
	MORIA, "Carriazo-Barraquer LSK" Brochure, 1998, V1	BLOM217
	MORIA, "Carriazo-Barraquer LSK" Brochure, 1998, V2	BLOM218



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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw Line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johann F. Hellenkamp

Serial No.: 10/062,178

Filing Date: January 31, 2002

For: AUTOMATIC SURGICAL DEVICE AND CONTROL ASSEMBLY FOR CUTTING A CORNEA

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2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, this 6 day of August, 2003.

Respectfully submitted,

MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
(305) 858-8000

By: 

Peter A. Matos
Reg. No. 37,884

Date: 8/6/03